

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STEVEN M. OSTER,  
305 Center Street North  
Vienna, VA 22180,

Plaintiff,

v.

Civil Action No. \_\_\_\_\_

UNITED STATES DEPARTMENT OF  
THE INTERIOR, 1849 C Street N.W.,  
Washington, DC 20240,

Defendant.

\_\_\_\_\_/

**COMPLAINT**

Steven M. Oster, for his Complaint against the United States Department of the Interior, states as follows:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (the “Act”), to order the production of records of the National Park Service (“NPS”), a bureau of the United States Department of the Interior (“DOI”) which DOI has improperly failed to produce to Plaintiff. The records concern NPS operations at Meridian Park in Washington, DC, the location of a devastating injury suffered by Carolina Alcalde on June 29, 2012. Ms. Alcalde was paralyzed when a tree from Meridian Park struck her down. Plaintiff is counsel to Ms. Alcalde and expedited access to DOI’s records is necessary in order to prepare timely notices of claim and complaints on her behalf.

## **PARTIES**

2. Plaintiff is a natural person residing in Vienna, Virginia. Plaintiff is Of Counsel to the Gremminger Law Firm, which has its principal place of business in the District of Columbia. Plaintiff and the Gremminger Law Firm represent Carolina Alcalde in connection with claims against the United States and the District of Columbia arising out of injuries suffered when she was struck by a tree from Meridian Park.

3. Defendant DOI is an agency of the United States having its principal offices in the District of Columbia. Upon information and belief, DOI has possession of the records which Plaintiff seeks.

## **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the within action pursuant to 5 U.S.C. § 554(a)(4)(B).

5. Venue is proper in this district pursuant to 5 U.S.C. § 554(a)(4)(B).

## **FACTS**

6. On August 22, 2012, Plaintiff submitted a request for agency records under the Act to DOI (the “Request”) using DOI’s online FOIA Request Form located at [www.doi.gov/foia](http://www.doi.gov/foia).

7. The Request complied with each and every requirement of the Act and DOI’s published FOIA guidelines and sought records concerning the following:

- a. Carolina Alcalde.
- b. Case/Incident No. 032452.
- c. Contracts between the National Park Service and any third party concerning tree services at Meridian Park in effect on June 29, 2012.

- d. Notification, whether oral or in writing, concerning any tree or trees at Meridian Park in the vicinity of 15th Street N.W. between W and Belmont Streets, N.W.
  - e. Any correspondence including, without limitation, any notification concerning any tree or trees at Meridian Park in the vicinity of 15th Street N.W. between W and Belmont Streets, N.W.
  - f. Any inspection, maintenance, mowing, or other Service activity (including the activities of any third party) at Meridian Park in the vicinity of 15th Street N.W. between W and Belmont Streets, N.W.
8. On August 22, 2012 DOI acknowledged receipt of Plaintiff's Request by electronic mail.
9. On more than one occasion, most recently by electronic mail on November 16, 2012, Plaintiff advised DOI of its failure to respond and demanded the agency respond in accordance with the Act.
10. Notwithstanding its acknowledgement of receipt of Plaintiff's Request, DOI has initiated no further contact with Plaintiff.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in his favor, and (a) order Defendant to provide access to the requested documents, (b) award Plaintiff costs and reasonable attorneys' fees as provide in 5 U.S.C. § 552(a)(4)(E), (c) expedite this proceeding as provided for in 28 U.S.C. § 1657, and (e) grant Plaintiff such other relief as the Court deems just and proper.

December 2, 2012

Respectfully submitted,

/s/  
Steven Gremminger  
D.C. Bar No. 353821  
Steven M. Oster

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